

DETAILED ACTION

Claim Objections

Claim 18 is objected to because of the following informalities: Newly added claim depends on withdrawn claim 6. Since the invention of Claim 6 does not require a supply of energy, it is best understood that this is a typographical error. For the purposes of examination, claim 18 will be read as depending on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 12, 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the following limitations: "the one gas component" in line 10; "the inlet" in line 17; and "the outlet" in line 19. There is insufficient antecedent basis for these limitations in the claim.

Claim 12 recites the limitation "a first gas component" in line 2. Is the applicant claiming another first gas component (see Claim 1, wherein a first gas component is already recited)? Examiner suggests amending the claim to recite "the first gas component".

Claim 14 recites the limitation "a first gas component in a biogas" in line 2. Is the applicant claiming another first gas component and another type of gas (see Claim 1, wherein a first gas component and a multi-component gas is already taught)? Examiner suggests amending

the claim to recite “The method according to claim 1, wherein the gas consisting of two or more known components is a biogas.”

Claim 15 fails to recite structural limitations; it is unclear as to what the device is or comprises. Claim 15 recites the limitation "a first gas component in a gas consisting of one or more known gas components" in lines 1-2. Is the applicant claiming another first gas component in another gas (see Claim 1, wherein a first gas component is already recited)? Examiner suggests amending the claim to recite “the first gas component in the gas consisting of two or more known gas components”. Examiner suggests incorporating the limitations of claim 16 into claim 15 in order to clearly define the claimed device.

Claim 16 restates limitations already recited in claim 1 (see claim 16, lines 4-5, the tubular body connection & lines 8, the temperature measurement instrument). Claim 16 recites “an inlet” and “an outlet”. Does the tubular body comprise two inlets and two outlets (see claim 1)?

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claims 12 and 14-16 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 3, 5, 13, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5, and 12-16 have been considered but are moot in view of the new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PUNAM PATEL whose telephone number is (571)272-6794. The examiner can normally be reached on Monday to Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lisa Caputo can be reached on (571) 272-2388. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PP
12/18/2009

/Lisa M. Caputo/
Supervisory Patent Examiner, Art Unit 2855